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 THOMAS M. EAGAN (TE 1713)  
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*Attorneys for Plaintiff*

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

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SOMPO JAPAN INSURANCE COMPANY OF :  
 AMERICA and SOMPO JAPAN INSURANCE, :  
 INC. :

**07 Civ. 2735 (DC)**

*Plaintiffs,* :  
 - against - :

NORFOLK SOUTHERN RAILWAY :  
 COMPANY, NORFOLK SOUTHERN :  
 CORPORATION and THE KANSAS CITY :  
 RAILWAY COMPANY :

**DECLARATION OF  
 THOMAS M. EAGAN IN  
 OPPOSITION TO  
 DEFENDANTS' MOTION  
FOR SUMMARY JUDGMENT**

*Defendants.* :  
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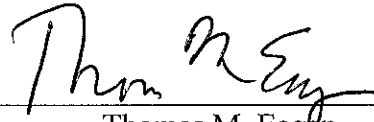
I, Thomas M. Eagan, declare that I am a member of Maloof Browne & Eagan LLC, attorneys for plaintiffs Sompo Japan Insurance Company of America and Sompo Japan Insurance, Inc.

1. Attached as Exhibit 55 is a true copy of U.S. Department of Transportation report, "America's Container Port: Delivering the Goods," March, 2007.
2. Attached as Exhibit 56 is a true copy of an excerpt from Norfolk Southern's website, "NS Intermodal."
3. Attached as Exhibit 57 is a true copy of communications from plaintiffs' counsel to defendants' counsel.

4. Attached as Exhibit 58 is a true copy of the Duncan Shoemaker & Associates Preliminary Survey Report dated May 16, 2006.

I declare the foregoing is true and correct under the penalty of perjury of the laws of the United States.

Dated: Rye, New York  
April 29, 2009

  
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Thomas M. Eagan

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